

IN THE DRAWINGS

Please enter the new sheet of drawings which amends Fig. 1 to delete the lowermost node circle and arrow.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Claim 7 has been canceled. The subject matter of Claim 7 has been incorporated into all of the independent Claims 1 and 13-16. Additionally, Applicant wishes to thank Examiner Ruhl for the courtesy of an interview on July 28, 2004, at which time the outstanding Office Action was discussed, particularly with respect to the subject matter of Claim 7. Based upon the Examiner's suggestions, the claims further recite that the specification information includes equipment information. Additionally further minor amendments have been made to the claims based upon the Examiner's suggestions during the interview. It is Applicants understanding that the amended claims according to the present response overcome the outstanding rejection under 35 U.S.C. § 112, second paragraph.

The claimed invention is directed to a method and system for renting a construction machine through a network. The rental of construction machines is unique and differs from the rental of, e.g., automobiles, insofar as the rental of construction equipment requires that the equipment conform to the user's particular functional specifications. For example, construction machines may be of various kinds such as excavators, wheel rotors, construction cranes, bulldozers and road rollers. These machines are obviously not substitutable for one another in view of the renter's use requirements. Beyond this, the user may require particular equipment specifications within a given type of construction machine, such as bucket capacity or body weight, rotating type, type of crawler and a variety of attachments (see paragraph bridging pages 1-2 of the present specification), some of which are more easily changed than others. This makes timely renting of construction machines difficult and requires that the vendors maintain a relatively large inventory in order to meet the specific needs of various renters (see paragraph bridging pages 2-3).

As was discussed during the interview, in accordance with a feature of the invention now set forth in the claims, the network holds the specification information in a hierarchical structure identifying a class of specification information as specification that is not easy to change and a class of specification information as specification that is easy to change. For example, as is described at the bottom of page 7 and on page 8 of the present specification, the specification of the construction machine may include information such as the type of machine, a machine number, the date of manufacture, the date of start of use, bucket capacity, operating mass, which specification is fixed and cannot be changed. Additionally, information related to changeable specifications is also stored, e.g., equipment and attachments such as the underbody, the length of the arm and the nature of the attachment (page 8, lines 5-14).

As to specification information comprising equipment information, those skilled in the art would understand that certain specifications comprising equipment information are easier to change than other equipment specifications. For example, a slope finishing bucket is easier to exchange for a normal bucket than is a nibbler, since the nibbler requires the addition of a further hydraulic pipe line. Similarly, those skilled in the art would understand that changing between a short arm and a long arm is more difficult than changing between a rubber crawler and an iron crawler (page 8, lines 15-20).

According to a feature of the present invention set forth in the claims, the network server comprises a hierarchical structure which holds data with a specification that is difficult to change separate from a specification that is more easily changed (page 8, lines 20-23). In performing a search, the network server uses a class of the specification information that is not easy to change as an essential search item, and uses the class of specification information that is easy to change as an equivocal search item (see paragraph bridging pages 14-15). Therefore, the renter can obtain information regarding equipment having a specification

different from that requested as to equipment which is easy to change, so that a satisfactory type of machine can nonetheless be recognized (page 15, lines 5-14).

Claim 7, whose subject matter has now been incorporated into all of the claims, had not been subject to a prior art rejection, although the Examiner indicated that the absence of a prior art rejection should not be taken as an indication of allowability. Nonetheless, as was discussed during the interview, the subject matter of the amended claims is not taught or suggested by any of the cited references,

For example, the only applied prior art reference directed to the rental of construction equipment is the "United Rentals" reference applied under 35 U.S.C. § 103 in paragraph 8 of the Office Action. However, as was discussed during the interview, while this reference discusses the ability of the renter to review specifications of equipment available for rent, sorted by equipment class, there is no teaching or suggestion that a search could be performed wherein a class of specification information that is not easy to change is an essential search item, and a class of specification information that is easy to change is an equivocal search item.

As for obviousness of the amended claims over "United Rentals" in view of the "Hertz" system or anticipation of the amended claims by U.S. patent 6,134,534 (Walker et al.), it is noted that Hertz is directed to the rental of automobiles and provides no suggestion for performing a search using equipment information in a hierarchical structure identifying a class of specification information that is not easy to change and a class of specification information that is easy to change, and performing the search using these classes as essential or equivocal search terms. Walker et al. is concerned with cruise or airline reservations and has no relation to the renting of construction machines.

Concerning paragraph 1 of the Office Action, as was discussed during the interview, the Japanese language references which were filed in an IDS on February 23, 2004, and

which have not been considered, were filed together with English translations of two Japanese office actions which cite the references. It is noted that the Japanese office actions are for Japanese patent application 2000-171087, for which Applicant has claimed priority under 35 U.S.C. § 119. A copy of a date-stamped filing receipt evidencing the filing of the above and further copies of the translated Japanese office actions are being submitted herewith for the Examiner's convenience. The Examiner's attention is respectfully directed to M.P.E.P. § 609.(iii).(a3):

Where the information listed is not in the English language, but was cited in a search report or other action by a foreign Patent Office in a counterpart for an application, the requirement for a concise explanation of relevance can be satisfied by submitting an English language version of the search report or action which indicates the degree of relevance found by the foreign office.

Whatever degree of relevance may be present for the cited references is evident by the citation of these references in the Japanese office actions. The submission of the English language versions of the Japanese office actions is therefore a sufficient explanation of the relevance of the cited prior art under M.P.E.P. § 609.(iii).(a3), and so the consideration of the cited prior art is respectfully solicited. A further copy of the PTO form 1449 which was previously filed and which lists the cited references is also being submitted for the Examiner's convenience.

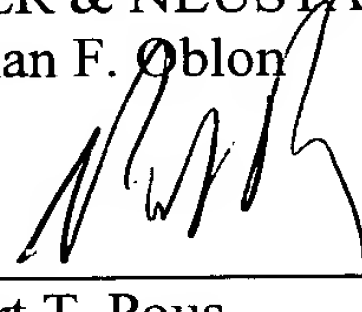
A drawing correction in conformance with paragraph 2 of the Office Action is being submitted herewith.

Application No. 09/874,057
Reply to Office Action of June 30, 2004

Applicant therefore believes that the present application is in a condition for allowance and respectfully solicits an early Notice of Allowability.

Respectfully submitted,

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